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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,576	03/30/2001	Sumihito Morita	9281-3965	7194

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT PAPER NUMBER

2652

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Upv*

**Office Action Summary**

Application No.

09/822,576

Applicant(s)

MORITA ET AL.

Examiner

David D. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 7 and 13-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 22, 2004.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 8-10 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahagon et al (US 6,407,885). Ahagon et al shows in figure 34 a thin-film magnetic head including an upper magnetic core layer 8. A lower magnetic core layer 141 is arranged to be opposed to the upper magnetic core layer 8. An electrically conductive coil layer 6/7 is sandwiched between the upper magnetic core layer 8 and the lower magnetic core layer 141. A first insulator layer 142/211 is sandwiched between the lower magnetic core layer 141 and the electrically conductive coil layer 6/7 for electrically insulating the lower magnetic core layer 141 from the electrically conductive coil layer 6/7.

A second insulator layer 311 is sandwiched between the upper magnetic core layer 8 and the electrically conductive coil layer 6/7 for electrically insulating the upper magnetic core layer 8 from the electrically conductive coil layer 6/7. The first insulator layer 142/211 is arranged on the lower magnetic core layer 141 except the front end portion of the lower magnetic core layer 141 facing the front end portion of the upper magnetic core layer 8. A lower magnetic pole layer 163 has a thickness equal to that of the first insulator layer 142/211 and is arranged in continuity with the end of the first insulator layer 142/211 on the front end portion of the lower magnetic core layer 141 between the upper magnetic core layer 8 and the lower magnetic core layer 141. The front end portion of the upper magnetic core layer 8/195 is arranged on a gap layer 184 on the lower magnetic pole layer 163, and the second insulator layer 311 is positioned behind the lower magnetic pole layer 163 and close to the back end of the upper magnetic core layer 8.

Ahagon et al shows in figure 34 the first insulator layer 142/211 comprises a recess for receiving the electrically conductive coil layer 6/7 and arranged at a predetermined distance from the lower magnetic pole layer 163 between the lower magnetic pole layer 163 and the back end portion of the upper magnetic core layer 8. Ahagon et al shows in figure 36 the upper magnetic core layer 8 including a narrow-width pole region with the end portion thereof formed on the gap layer 184 on the lower magnetic pole layer 163. Also shown in figure 36 is a yoke region being wider in width than the pole region, arranged in continuity with the back end of the pole region. Ahagon et al also shows in figure 34 that the upper magnetic core layer 8/195 is integrally formed of a magnetic material and is provided so as to cover the second insulator layer. The back end of the pole region is opposed to the first insulator layer 142/211 is between the lower magnetic pole layer 163 and the recess.

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Ahagon et al shows in figure 34 and describes in column 11, lines 29-64 that the lower magnetic core layer 141 also serves as a top shield layer of a magnetoresistive head for reading information from a magnetic recording medium.

Ahagon et al shows in figure 34 the coil layer 6/7 formed directly on the planarizing insulator layer 142/211 extending backward in the direction of height or on the gap layer 184 formed on the planarizing insulator layer 142/211. Ahagon et al also discloses in column 11, lines 29-64 that the lower magnetic pole layer 163 is higher in saturation flux density than the lower magnetic core layer 141.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 4-5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahagon et al (US 6,407,885) in view of Yoda et al (US 5,872,693). Ahagon et al discloses the claimed invention. See description, supra. However, Ahagon et al is silent as to each of the upper magnetic core layer and the lower magnetic pole layer being of a dual-layer or laminate structure. Ahagon et al is also silent as to the gap layer extending between a conductive layer and an insulator layer.

Yoda et al shows in figure 1, for example, pole and core layers 16 and 14 being dual-layer laminate structure and the gap layer 15 extending between a conductive layer and an insulator layer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the pole and core layers of Ahagon et al with dual-layer or laminate structures and the gap layer extending between a conductive layer and an insulator layer as taught by Yoda et al. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a dual-layer or laminate structure so as "to provide a narrow track fit for the accuracy of up to 10 Gb/inch<sup>2</sup> to be formed thereon while satisfying both dimensional tolerance and adaptability for mass production." See column 3, lines 22-28 of Yoda et al.

### ***Response to Arguments***

7. Applicant's arguments filed October 13, 2004 have been fully considered but they are not persuasive. Applicant asserts that recitation "the upper magnetic core layer is integrally formed

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of a magnetic material” in the penultimate to the ultimate line of claim 1 is not anticipated by Ahagon.

8. According to *The American Heritage® Dictionary of the English Language, Fourth Edition* the term “layer” is defined as “A usually horizontal **deposit** or expanse; a stratum” as long as there is a demarcation of the layer. The term “material” is defined as “The substance or **substances** out of which a thing is or can be made” (emphasis added); and “integrally formed” is not necessarily restricted to one-piece article. Therefore, the claimed upper magnetic core layer does not preclude the upper magnetic core layer, as disclosed by Ahagon. As a result, contrary to applicant’s assertion Ahagon does not anticipate the claimed invention as stated supra.

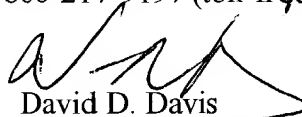
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Monday thru Friday between 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David D. Davis  
Primary Examiner  
Art Unit 2652

ddd